

Notice of Allowability

Application No.

09/643,122

Examiner

Michael W. Hoye

Applicant(s)

ARSENAULT ET AL.

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment filed on 10/7/04.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 15 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>10/07/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Arguments

1. Applicants' arguments, see Amendment After Final filed on 10/07/04, with respect to the rejection of claims 1, 10 and 19 under 35 USC 103(a) as being unpatentable over Yoshinobu et al (USPN 5,686,954), in view of Lee et al (USPN 6,463,428), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Allowable Subject Matter

2. Claims 1-27 are allowed.

The following is an Examiner's statement of reasons for allowance: the prior art, alone or in combination, does not teach or fairly suggest the subject matter of the Applicants' claimed invention as described below.

As to independent claim 1, the most applicable art of record, the Yoshinobu et al (USPN 5,686,954) reference fails to teach or suggest the claimed, "processor programmed to populate the keyword table with words by examining the program guide objects as they are received by the tuner and entering into the keyword table words that appear in the program guide objects more than a particular number of times..." The Yoshinobu et al patent discloses a program information broadcasting and receiving system including a head end at which program guide information is assembled and from which the program guide information is transmitted. At the head end of Yoshinobu, program guide information for each program is classified into a number

Art Unit: 2614

of different categories and sub-categories (FIG. 7). To perform the categorization, Yoshinobu assigns an ID to each category and sub-category and communicates the IDs for each program to each receiver system. On the receiver side of the Yoshinobu system, the receiver system obtains the program guide information and the associated IDs, and uses the IDs to display the categorized data. The receiver system provides navigational tools that may be used by a viewer. For example, as shown in FIG. 18, a navigational hierarchy with a number of levels may be provided to a viewer to enable a viewer to navigate through available programming content. However, Yoshinobu fails to disclose populating a keyword table at the receiver with words that appear in the program guide data more than a number of times. In addition, Yoshinobu fails to disclose any method of examining the program guide objects as they are received and extracting keywords from those objects.

The Lee et al (USPN 6,463,428) patent discloses a user interface for querying and displaying records from a database by allowing the user to select a number of keywords to be used in the query. The available keywords are culled from results of searches of the program guide database and are ranked based on their frequency (see col. 4, line 63 – col. 5, line 13). The Lee et al reference teaches that this user interface is implemented at the receiver end of an electronic program guide system. However, Lee et al fails to disclose extracting keywords from the program guide objects as the objects are received by the receiver. Therefore, the Yoshinobu et al and Lee et al references fail to teach that which is noted above.

As to independent claims 10 and 19, the claims are allowable based on similar reasons as set forth above for independent claim 1.

Art Unit: 2614

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop ____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop ____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202


Art Unit: 2614

Or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoye
November 29, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600